

**Notice of Allowability**

Application No.

10/692,851

Applicant(s)

JACCOUD, BERTRAND

Examiner

Christopher P. Bruenjes

Art Unit

1772

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed January 17, 2006.
2. ☒ The allowed claim(s) is/are 22-24, 27-34 and 36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/544,220.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

7. Drawings dated October 27, 2003 are accepted.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20060301</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

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**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roger Lee on February 28, 2006.

The application has been amended as follows:

**Abstract:**

Delete the final paragraph stating "Publication figure: Fig 5"

**Specification:**

In the first sentence: add --, now abandoned-- after "2002" and before the comma and add --, now U.S. patent number 6,338,870-- after "2000" and before the period

On page 10:

Line 14: replace "23" with --13-- and replace "20a" with --20a--.

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Line 15: replace "25" with --15-- and replace  
"28" with --18--.

On page 13:

Line 3: after the sentence ending in "laminate  
40." Add the sentence --The silicon oxide layers 43 and 44 are  
covered by an outer layer of thermoplastic 46 which is heat-  
sealable with the thermoplastic in the first laminate unit 40a  
and which is bonded to the silicon layer 44 by means of an  
intermediate adhesive layer 45.--

Line 9: replace "50b" with --50a--

Claims:

Claim 22: in line 7, after "film" and before the  
semicolon add --, wherein the  $\text{SiO}_x\text{C}_y$  layers have a cohesion  
strength of at least 5.7 GPa, and wherein the  $\text{SiO}_x\text{C}_y$  layers have  
an interface shear strength with the plastic substrate film of  
at least 170 MPa--

Cancel claim 25.

Cancel claim 26.

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Claim 29: in line 7, after "film" and before the semicolon add --, wherein the  $\text{SiO}_x\text{C}_y$  layers have a cohesion strength of at least 5.7 GPa, and wherein the  $\text{SiO}_x\text{C}_y$  layers have an interface shear strength with the plastic substrate film of at least 170 MPa--

Claim 32: in line 6, after "0.15-0.80" and before the semicolon add --, wherein the  $\text{SiO}_x\text{C}_y$  layers have a cohesion strength of at least 5.7 GPa, and wherein the  $\text{SiO}_x\text{C}_y$  layers have an interface shear strength with the plastic substrate film of at least 170 MPa--

Claim 32: in line 11, after "wherein" add --at least one of-- and replace "layer" with --layers--

Claim 34: in line 2, after "wherein" add --at least one of-- and replace "layer" with --layers--

Cancel claim 35.

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Claim 36: in line 8, after "film" and before the semicolon add --, wherein the  $\text{SiO}_x\text{C}_y$  layers have a cohesion strength of at least 5.7 GPa--

Cancel claim 37.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art Fayet et al does not qualify as prior art because the foreign priority has been perfected and has a date before the publication date of the Fayet et al reference and Fayet et al does not qualify under 102e because it is a PCT publication filed prior to November 29, 2000.

The closest prior art Roulin and Yamaguchi fail to teach the  $\text{SiO}_x\text{C}_y$  layers have a cohesion strength of at least 5.7 GPa and an interface shear strength with the plastic film substrate film of at least 170MPa. These values are not inherent or obvious since as stated in Applicant's specification on page 7, the 40% and 70% increases in cohesion and interface shear strength over the same laminates possessing the same compositions as the claimed laminate are reached by pre-straining the substrate during the coating process. Neither the

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actual values nor the particular process step to arrive at those values are taught or suggested in Roulin or Yamaguchi. There is also no suggestion that these higher cohesion and interface shear strengths are known, desired, or how to accomplish these properties from the prior art.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes

Examiner

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March 1, 2006

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER

1772

3/2/06